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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

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11 WESLEY F. HUTTMAN,

12 Petitioner,

13 v.

14 CHARLES DANIELS, et al.,

15 Respondents.

16 Case No. 3:21-cv-00138-LRH-WGC

ORDER

17 This is a habeas corpus action under 28 U.S.C. § 2254. The court found all grounds in the
18 petition for a writ of habeas corpus too vague to warrant relief, and the court directed petitioner
19 Wesley Huttman to file an amended petition that corrected those defects. ECF No. 5. Huttman
20 has not filed an amended petition in the allotted time, and the court will dismiss the action. The
21 dismissal will be without prejudice, meaning that this order will not bar Huttman from
22 commencing a new habeas corpus action that challenges his custody pursuant to the same
23 judgment of conviction. However, the court makes no statement whether such a new action
24 would be free from procedural bars or would be timely. See, e.g., 28 U.S.C. § 2244(d)(1).

25 Reasonable jurists would not find the court's conclusions to be debatable or wrong, and
26 the court will not issue a certificate of appealability.

1 IT THEREFORE IS ORDERED that this action is **DISMISSED** without prejudice for
2 petitioner's failure to file an amended petition. The clerk of the court is directed to enter
3 judgment accordingly and to close this action.

4 IT FURTHER IS ORDERED that a certificate of appealability will not issue.

5 DATED: this 12th day of July, 2021.



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United States District Judge